IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 31068 of 2006(S)

AGAINST THE ORDER DATED 15/11/2006 IN IA. 815/2006 IN OP.32/2004 of FAMILY COURT,KOZHIKODE

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PETITIONER:

RAJESH FRANCIS, S/O.FRANCIS, AGED 32,
KURICHIANIYIL HOUSE, MARUTHONKARA P.O.,
KAVILUMPARA AMSOM DESOM, KOZHIKODE DISTRICT.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

PREETHI @ ROSLIN, D/O.JOY THOMAS,
KIKZHEKEMURIYIL HOUSE,
MYSONE MALA P.O., MUKKOM VIA.,
KOZHIKODE.

BY ADV. SRI.C.C.ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF O.P. NO. 32/04 BEFORE THE FAMILY COURT, KOZHIKODE.

EXT.P2: TRUE COPY OF D.N.A. PROFILE REPORT DATED 04.01.2005.

EXT.P3: TRUE COPY OF I.A. NO. 849 OF 2005 DATED 08.06.2005.

EXT.P4: TRUE COPY OF ORDER IN I.A. NO. 849 OF 2005 DATED 22.08.2005.

EXT.P5: TRUE COPY OF ORDER IN W.P.(C) NO. 288410 OF 2005 DATED 14.10.2005.

EXT.P6: TRUE COPY OF JUDGMENT IN W.P.(C) NO. 17336 OF 2006 DATED 31.07.2006.

EXT.P7: TRUE COPY OF I.A. NO. 815 OF 2006 IN O.P. NO. 32 OF 2004 OF FAMILY COURT, KOZHIKODE FILED BY THE RESPONDENT.

EXT.P8: TRUE COPY OF I.A. NO. 1423 OF 2005 IN O.P. NO. 32 OF 2004 OF FAMILY COURT, KOZHIKODE FILED BY RESPONDENT.

EXT.P9: TRUE COPY OF ORDER IN I.A. NO. 815 OF 2006 IN O.P. NO. 32/04 DATED 15.11.2006.

/True Copy/

P.A to Judge.

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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W.P.(C). NO. 31068 OF 2006

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Dated this the 16th day of July, 2007.

JUDGMENT

Kurian Joseph,J

The challenge is on Ext.P9 order passed by the Family Court, Kozhikode. The crucial dispute pertains to the fatherhood of the child. During the pendency of the writ petition, this Court directed a DNA test to be conducted at the expense of the respondent and the Central Forensic Science Laboratory, Hyderabad has forwarded the report. In view of the report, no further orders are called for in this writ petition. It is for the Family Court to dispose of O.P. No. 32/04. There will be a direction to the Family Court to expeditiously dispose of the same, at any rate, within a period of three months from the date of production of a copy of this judgment. The report of the laboratory will also be forwarded to the Family Court, Kozhikode along with the copy of this judgment and the said report will form the part of the proceedings. Since the report of the laboratory is part of the proceedings, it is for the parties to pursue the grievances, if any, with regard to the said report appropriately.

2. It is submitted that the parties have no objection with regard to the report of the Advocate Commissioner. The Commissioner shall be paid a further amount of Rs.2,500/-.

3. The learned counsel for the petitioner submits that there may also be a direction to the respondent to meet the expenses of the petitioner in connection with the travel to Hyderabad. In view of the order dated 06.06.2007, there will be a direction to the respondent to pay an amount of Rs.1,500/- to the petitioner. The amount as above shall be paid within two weeks from today.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

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